



PATENT
Docket No. 472712000100

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SYSTEM AND METHOD FOR ONLINE VALUATION AND ANALYSIS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 31, 2001 as United States Application Serial No. 09/942,954.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/229,292	September 1, 2000

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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Please direct all communications to:

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Morrison & Foerster LLP
1650 Tysons Boulevard
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McLean, Virginia 22102

Please direct all telephone calls to Kevin R. Spivak at (703) 760-7762.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/31/03

Date

G. William Haas

Name: Chris QUACKENBUSH (DECEASED) by

G. William Haas (Legal Representative) - *Counsel to the Estate and next*

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Citizenship: U.S.

2/20/03

Date

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2/20/03

Date

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2/20/03

Date

William Pappas
Name: William PAPPAS

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AUG 16 2002

OFFICE OF PETITIONS

In re Application of
Quackenbush, et al.
Application No. 09/942,954✓
Filed: August 31, 2001
Atty. Dkt. No. 424712000100
Title: SYSTEM AND METHOD FOR
ONLINE VALUATION AND ANALYSIS

: 47271-20001.00
: DECISION REFUSING
: STATUS UNDER 37 CFR
: 1.47(a)
:

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OFFICE OF PETITIONS

This is in response to the petition under 37 CFR 1.47(a),
filed May 2, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date
of this decision to reply, correcting the below-noted
deficiencies. Any reply should be entitled "Request for
Reconsideration of Petition Under 37 CFR 1.47(a)," and should
only address the deficiencies noted below, except that the
reply may include an oath or declaration executed by the non-
signing inventor. Failure to respond will result in
abandonment of the application. Any extensions of time will
be governed by 37 CFR 1.136(a).

The above-identified application was filed August 31, 2001
without an executed oath or declaration and naming Chris
Quackenbush, Derek Szot, Brian Pietrwich, and William Pappas
as joint inventors. Accordingly, on October 2, 2001, a Notice
to File Missing Parts of Nonprovisional Application was
mailed, requiring an executed oath or declaration and
surcharge.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof
that the non-signing inventor cannot be reached or refuses to
sign the oath or declaration after having been presented with
the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35
U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a
statement of the last known address of the non-signing
inventor.

Petitioner lacks items (1), (2), and (4) set forth above.

As to item (1), the petition lacks sufficient evidence that
the legal representative of the deceased inventor cannot be
reached, was ever presented with a copy of the application
papers (specification, claims and drawings), or, having been
presented with the application papers, refused to sign the
oath or declaration.

The declaration of Kevin R. Spivak indicates that inventor
Chris Quackenbush is deceased. Declarant further states that
the United States Trust Company of New York and James J.

COPY

DOCKETED *KSS/ACE*
Reg. for Reconsideration
Due 10/16/02

Application No. 09/942,954

Dunne, III are the executors of the estate of the deceased inventor. Declarant further states G. William Haas is the legal representative of the executors of the estate of the deceased inventor.

While petitioner indicates an assignment and declaration were sent to legal representative G. William Haas, there is no indication that the legal representative received a complete copy of the application papers (specification, claims, drawings, and oath or declaration).

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. See, 37 CFR 1.42. However, petitioner is advised that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that *bona fide* effort has been made to present a copy of the application papers (specification, claims, drawings, and oath or declaration) to the legal representative of the deceased inventor. A copy of the application papers should be sent to the last known address of the legal representative of the deceased inventor, or, if the legal representative is represented by counsel, to the address of the legal representative's attorney. See, MPEP 409.03(d).

Any renewed petition must be supported by evidence that the legal representative of the deceased inventor was presented with a copy of the application papers. In particular, the renewed petition should set forth the manner in which the application papers were presented to the legal representative of the deceased inventor. Petitioner may wish to provide the Office with copies of dated cover letters and, if available, copies of mailing receipts as evidence that the legal representative of the deceased inventor was presented with a copy of the application papers. If, after having been presented with the application papers, an oral refusal is made by the legal representative of the deceased inventor, this fact along with the time and place of the refusal must be stated in an affidavit or declaration signed by the person to whom the refusal was made. Any written refusal to execute the oath or declaration by the legal representative of the deceased inventor should likewise be submitted. Petitioner's attention is directed to MPEP 409.03(d) for further information on the presumptive evidence required for accordance of status under 37 CFR 1.47.

As to item (2), the declaration submitted herewith is unacceptable as it fails to comply with 37 CFR 1.63 and 1.64 has been presented. Specifically, the declaration fails to set forth the name, citizenship, address, and residence of the legal representative of the deceased inventor. While the declaration of Kevin R. Spivak indicates G. William Haas is the legal representative of the executors of the estate of the deceased inventor, G. William Haas is not so identified on the declaration submitted with the instant petition. Any renewed petition must be accompanied by a declaration executed by each available inventor and properly identifying the legal representative of the deceased inventor in

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accordance with 37 CFR 1.63 and 1.64.

As to item (4), the petition fails to set forth the last known address of the legal representative of the deceased inventor. Any renewed petition must set forth the name and last known mailing address of the legal representative of the deceased inventor.

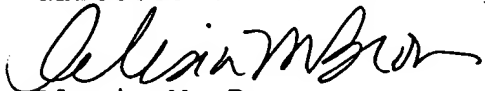
Further correspondence with respect to this matter should be addressed as follows:

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By hand: Crystal Plaza Four, Suite 3C23
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Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.



Alesia M. Brown
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for Patent Examination Policy